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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,683	02/19/2004	Kristof De Spiegeleer	116598-00112	1998
27557	7590	09/11/2006	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/780,683	Applicant(s) SPIEGELEER, KRISTOF DE	
Examiner Cindy Nguyen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application filed on 02/19/04 in which claims 1-17 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed on 02/19/04 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Objections

Claims 1 and 10 are objected to because of the following informalities:

In claim 1 line 9, it is suggested to change "present in a local" to ---present in a local database---; and "computer file" to ---Specific file----

In claim 10 lines 7, 11, 13, it is suggested to change "computer file" to ---Specific file----

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting et al. (US 20020107877) (hereafter Whiting) in view of Witt et al. (US 6971018) (hereafter Witt).

Regarding claims 1, 10 and 17, Whiting discloses: A method, a system and a computer program stored on a computer usable medium comprising computer-readable program for deciding whether a specific file on a target computer should be backed up to a central storage system (paragraphs 0013-0016, Whiting), said method comprising the steps of:

Computing a specific hashing key from the content of said specific file (a hash value computed over a portion of the directory entry for the associated file, paragraph 0060, Whiting);

verifying if said specific hashing key is already present in a local, wherein, for each computer file on said target computer which has been previously backed up, said local database (verified using the fileCRC...to backup the file contents if there is no match, paragraph 0060, Whiting) comprises a record (record 408, paragraph 0060, Whiting) including:

a file hashing key computed from said computer file (a hash value computed over a portion of the directory entry for the associated file, paragraph 0060, Whiting); and

a local file path (backup/user path) in said target computer where said computer file should be restored, said file path being associated with said file hashing key (0083-0086, Whiting); if said specific hashing key is not present in said local database, backing up said specific file by performing the steps of:

A. creating a backup file which is a duplicate of said specific file (to guarantee that no corrupted entries are added to the global directory database, a new global directory database file then be created, paragraph 0083, Whiting);

B. renaming said backup file to said specific hashing key ((once creation of the new file is completed, its name is changed to a valid global directory database file name , paragraph 0083, Whiting);

C. storing said renamed backup file in said central storage system (updated the files are added to the database, 0084, Whiting); and

storing in said local database a new record including said specific hashing key and a specific path in said target computer where said specific file should be restored (0084-0086, Whiting).

However, Whiting didn't disclose: if said specific hashing key is present in said local database not backing up said specific file in said central storage system. On the other hand, Witt discloses: if said specific hashing key is present in said local database not backing up said specific file in said central storage system (col. 6, lines 41-57 and col. 9, lines 50-65, Witt). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include if said specific hashing key is present in said local database not backing up said specific file in said central storage system in the system of Whiting as taught by Witt. The motivation being to prevent the change includes overwriting a changed copy of the file with a valid copy of the protected file

Regarding claims 2 and 11, all the limitations of these claims have been noted in the rejection of claims 1 and 10 above, respectively. In addition, Whiting/Witt discloses: further comprising the steps of: verifying if said specific hashing key is already present in at least one central database of file hashing keys derived from computer files already backed up in said central storage system (col. 11, lines 64 to col. 12, lines 20, Witt); and

backing up said specific file if and only if said specific hashing key is not present in said at least one central database of said central storage system (col. 11, lines 64 to col. 12, lines 20, Witt)

Regarding claims 3 and 12, all the limitations of these claims have been noted in the rejection of claims 2 and 11 above, respectively. In addition, Whiting/Witt discloses: wherein said target computer is connected to a LAN and further wherein said central storage system is connected to said LAN by a WAN (client/server system fig. 3,, 0030, Whiting).

Regarding claims 4 and 13, all the limitations of these claims have been noted in the rejection of claims 1 and 10 above, respectively. In addition, Whiting/Witt discloses: wherein a plurality of target computers are connected with said central storage system, and further wherein said specific file is not backed up if it is already present in said central storage system as the result of a backup from any target computer (paragraphs 0038, 0061, 0064, Whiting) .

Regarding claims 5 and 14, all the limitations of these claims have been noted in the rejection of claims 4 and 13 above, respectively. In addition, Whiting/Witt discloses: wherein the location of said renamed backup file in said central storage system depends on said specific hashing key (renamed backup file store in the location in backup/system/global directory 0084, Whiting).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 5 above. In addition, Whiting/Witt discloses: wherein said central storage system comprises a plurality of storage devices (0072, Whiting).

Regarding claims 7 and 15, Whiting/Witt discloses: A method and a central storage system for restoring a specific file to a target computer (backup/restore system fig. 1-3, Whiting), said method comprising the steps of: requesting a specific hashing key corresponding to said specific file from a local database storing a previously computed hashing key for each backed up computer file (searching for matching files by computing the hash value over the file content, paragraphs 0060, 0073-0074, Whiting);

requesting a specific path location (global directory) associated with said specific hashing key (hash value) from said local database 0084, Whiting); using said specific hashing key to retrieve a backup file from a central storage server, said backup file being a duplicate of said specific file(0081, Whiting); and

saving said backup file to said specific path location on said target computer (store the file in global directory, 0084, Whiting).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Whiting/Witt discloses: wherein the location at which said backup file has been stored in said central storage server depends on said hashing key (0084, Whiting).

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Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 8 above. In addition, Whiting/Witt discloses: wherein the name under which said backup file has been stored in said central storage server depends on said hashing key (0083-0084, Whiting).


Regarding claim 16, all the limitations of this claim have been noted in the rejection of claims 1 and 2 and 15 above. Therefore, it rejected as above.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Cindy Nguyen
August 30, 2006


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